



# ***Gold Star Wives of America, Inc***

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**Statement  
Of  
Gold Star Wives of America, Inc.  
Before the  
Joint  
Senate and House Committees on  
Veterans Affairs  
Hearing**

**March 12, 2014**

**Presented by  
Jamie H. Tomek  
Chair, Government Relations Committee**

*"With malice toward none; with charity for all; with firmness in the right, as God gives us to see right, let us strive to finish the work we are in; to bind up the nation's wounds, to care for him who has borne the battle, his widow and his orphan."*

*...President Abraham Lincoln, Second Inaugural Address, March 4, 1865*

Not for publication  
until released by  
the Committees

Chairman Sanders, Chairman Miller, Ranking Members Burr and Michaud, and Distinguished Members of both the Senate and House Committees on Veterans Affairs, I am pleased to be here today to testify on behalf of Gold Star Wives on legislative issues pertinent to our nation's military widows and widowers.

My name is Jamie Tomek, Chair of the Gold Star Wives' Government Relations Committee. I became the widow of First Lieutenant Glen D. Tomek, U. S Army when he was killed in action April 1969 in Vietnam. I am proud to represent Gold Star Wives here today, but would prefer to have not lost my husband 45 years ago...as is the case of every GSW member here today.

Gold Star Wives of America (GSW), founded in 1945, is a Congressionally Chartered organization of surviving spouses of military members who died while serving on active duty or died from a service-connected cause. GSW is a volunteer organization.

We provide information about survivor benefits and assist survivors experiencing difficulties accessing their benefits. We strive to raise the awareness of Congress, the public, the military and veterans' communities and GSW about the many inequities existing in benefits for surviving spouses.

Many of our members volunteer in Department of Veterans Affairs (VA) hospitals and clinics and visit service members hospitalized at Department of Defense (DOD) medical treatment facilities. In 2012, GSW members reported volunteer hours and contributions valued at more than \$200,000.

GSW's current members are the surviving spouses of military members who served during World War II, the Korean War, the Vietnam War, the Gulf War, the conflicts in both Iraq and Afghanistan, and every period in between. Among our members are veterans who have served our country. With the changing makeup of the military services and to better reflect current situations, we will refer to all of our members as surviving spouses.

Because the survivor population is a separate category of beneficiaries created as a legal status, we strongly encourage and suggest the use of the term survivor when speaking about veterans and their families or military personnel and their families. Please include us by referring to veterans, survivors and their families.

We would like to thank Congress for protecting the death gratuity for surviving families during the government shutdown last fall. Families in crisis should not be subject to denial of services.

We also want to thank Senator Bernie Sanders for his introduction of the Comprehensive Veterans Health and Benefits and Military Retirement Pay Restoration Act of 2014 to include surviving spouses. This bill includes many provisions that are important to surviving spouses including the expansion of the Fry scholarship to Surviving Spouses post 9/11.

Thank you for getting the Delta Dental program operational for survivors. This program can provide dental insurance to surviving spouses who are eligible for ChampVA. Representative Michaud has introduced HR 288 the ChampVA Children's Protection Act of 2013 to amend ChampVA eligibility for children to age 26.

We would also like to thank Senator Bill Nelson, and Representative Joe Wilson for their continued support of bills to eliminate the Dependency and Indemnity Compensation (DIC) offset to the Survivor Benefit Plan (SBP). These bills are S 734 and HR 32

Thank you to Congresswoman Gloria McLeod for introducing HR 4053 regarding mammograms. Thank you to my Congressman Sam Graves for introducing HR 3974 to introduce TRICARE for those up to age 26

### **DEPENDENCY AND INDEMNITY COMPENSATION INCREASE (DIC)**

The Department of Defense identifies 6800 deaths as a result of Operations Iraqi Freedom, Enduring Freedom (Afghanistan, other locations) and New Dawn (Iraq)

An estimated 300,000 surviving spouses have resulted from wars and in peacetime before the year 2000. That includes World War II, Korean War, Vietnam conflict and peacetime surviving spouses. This date is important because the benefits provided for surviving spouses differs greatly prior to 2000 and our country's reaction to terrorists attacks on our country

Many early surviving spouses are living on DIC and other limited minimum income. They may have raised children, continued their education, worked at a minimum wage job (which provides them little Social Security) and have taken care of a disabled veteran in their home.

These earlier surviving spouses were entitled to \$10,000 in life insurance if their spouse purchased the insurance and was killed in 1969. Less if they were killed in action during World War II or Korea. DIC flat rate payment for these widows and other surviving spouses is \$1233 per month which is hardly sufficient for the costs of daily living.

We receive phone calls from widows in their 80s and 90s telling us they don't have enough money to pay for their medicines and buy food. Home health assistance is needed to help them stay in their homes. We refer them to Veterans Administration but the process is slow to establish a claim for more help.

One of these was a widow in Jacksonville Florida has called me telling me she can't pay for her medicine and needs help to stay in her home. Another from Green Bay Wisconsin wrote that additional funds were needed. She is a widow of a World War II veteran medically discharged with heart disease.

Many surviving spouses are in financial distress, unable to pay for food, medical co-pays and utilities. These are survivors of spouses who gave their life for our country. Equalizing DIC would offer some relief from worry and would improve financial independence and confidence for GSW members and other surviving spouses.

We are seeking to introduce a bill to raise the DIC rate of compensation to the ultimate goal of 55%. The flat rate DIC was introduced in 1993 and has not been increased since then, except for the Cost of Living Adjustment. Other Federal survivor programs provide 55% of the retirement pay of the Federal employee to the surviving spouse. Bringing DIC's computation to 55% would provide parity with other Federal survivor programs and would increase DIC by approximately \$333 per month.

According to the CRS Veteran's Benefits: Dependency and Indemnity Compensation (DIC) for Survivors, CRS Report for Congress January 3, 2013: "There is a disparity between the percentage of income a DIC recipient is paid and the percentages given to recipients of retirement and pension plans. Currently, an eligible surviving spouse would receive a basic DIC benefit of \$1215 (raised to \$1233 January, 2014) monthly. This is 41% of the basic compensation rate for a veteran ...receiving disability compensation at the 100% disabled rating." ..."Private pension plans are required to pay 50% of their benefit to surviving spouses" ..."Federal employee pension plans

provide 55% of retirement pay or 50% of retirement pay along with an initial lump-sum payment, depending on the plan.”

### **Elimination of the Dependency and Indemnity Compensation (DIC) Offset to the Survivor Benefit Plan (SBP)**

For the surviving spouse SBP is reduced dollar-for-dollar by the amount of DIC if a surviving spouse is eligible to receive both SBP and DIC despite the fact that SBP and DIC are different benefit programs for different purposes by different government departments. DIC is indemnity compensation for the early death of a military or veteran spouse due to a service connected cause. SBP is an earned and purchased annuity based on a percentage of the military service member’s retirement pay intended to provide the surviving spouse with income after the death of the service member. The DIC offset to SBP needs to be repealed.

Only surviving spouses of active duty or retired military service members suffer the DIC offset to SBP. Surviving children do not suffer this offset. Nor do surviving parents, insured interest (under the same sex parameters of DOMA). Surviving spouses of Federal employees do not suffer this offset.

According to a report from the Department of Defense Office of the Actuary as of 2013, there were 60,432 surviving spouses subject to the DIC offset to SBP. Of those 60,432 surviving spouses 36,251 are fully offset and receive DIC and no SBP and 24,181 receive some SBP and DIC. 10,768 children do not have an offset for SBP.

SBP pays an annuity to surviving spouses of retired military service members who purchased SBP at retirement, surviving spouses of military service members who died on active duty and were retirement eligible when they died, and surviving spouses of military service members who died on active duty post 9-11. Unless the retired service member chooses a lesser amount, surviving spouses receive 55% of the service members retirement pay or 55% of what the service member’s retirement pay would have been had he lived long enough to retire.

Military retirement pay is deferred compensation i.e., when the service member was on active duty he or she accepted less pay in exchange for retirement pay. If the service member chooses to purchase the full amount of SBP, premiums for SBP are 6.5% of the retired service member’s retirement pay.

Surviving spouses of retired service members who purchased SBP and who are also entitled to DIC receive an actuarially calculated partial refund of the SBP premiums the military spouse paid; the Government retains part of the premiums to pay for the reduced amount of SBP the surviving spouse receives. This partial refund is made without interest despite the fact that the Government had the use of the premiums for many years. The partial refund is refunded as a lump sum and the surviving spouse must pay income taxes on this lump sum in the year it is received.

As you will see in the videos done by Jeanette Pavini for USA Today, many service members and many surviving spouses are unaware that their SBP will be offset by DIC.

### **Special Survivor Indemnity Allowance (SSIA)**

We are most grateful for the Special Survivor Indemnity Allowance (SSIA) which Congress provided to those who suffer the DIC offset to SBP. As it is now this SSIA simply goes away at the end of FY 2017. We hope that the DIC offset to SBP can be repealed, but if it is not, we would like to see SSIA stabilized and extended to the years beyond FY 2017.

The Veterans Disability Benefit Commission (VDBC) recommended in 2007 that surviving spouses of military service members be allowed concurrent receipt of full SBP and full DIC.

Surviving spouses who assigned SBP to the children need to be allowed to reselect the SBP for themselves. Children receive the full amount of SBP without offset. Recent surviving spouses of those who died on active duty were allowed and encouraged to assign their SBP benefit to the children. Many of these surviving spouses made the decision to assign the SBP to the children without appropriate explanation or counseling. These surviving spouses assigned the SBP to the children without realizing that the children would only receive SBP until they reached the age of majority and that the surviving spouse would lose SBP for life.

Surviving spouses may remarry at or after age 57 and receive both full SBP and full DIC. It is inappropriate that surviving spouses must find another mate and remarry to receive benefits that the deceased military spouse earned and/or purchased. All surviving spouses eligible for both benefits should receive full DIC and full SBP whether or not they choose to remarry.

Surviving spouses of retired military service members who remarry at or after the age of 57 must repay the partial refund of premiums they received at the time of their spouse's death. If they cannot repay the partial refund in one lump sum, the Government charges interest on the unpaid balance. Since only the most recent 3 years of income tax returns may be amended, most of those who repay the partial refund of premiums cannot reclaim the income taxes they paid on the lump sum refund of premiums.

### **TRICARE Fees**

All surviving spouses and surviving children of military service members who died on active duty or died of a service connected cause should be exempt from any increases in TRICARE fees and any new TRICARE fees which might be levied.

- Currently surviving children of service members who died on active duty receive TRICARE Prime without payment of fees until they reach the age of majority.
- Surviving spouses and children of veterans who served in the military but did not retire, surviving spouses who have remarried and whose second or subsequent marriage has terminated and surviving spouses who remarry after the age of 57 receive CHAMPVA and most medications without charge.
- Surviving spouses and children who are entitled to TRICARE cannot use CHAMPVA and therefore lose part of the indemnity compensation from the VA.
- Surviving spouses of those who died on active duty post 9-11 receive TRICARE Prime for 3 years without payment of fees and are exempt from fee increases.
- Surviving spouses of those who died on active duty pre 9-11 and those who died of a service connected cause pay TRICARE fees for themselves and their children.

Despite all the different categories many of the surviving spouses in each category receive flat-rate DIC of \$1233 per month. All surviving spouses and surviving children whose military sponsor died on active duty or as the result of a service connected cause should be exempt from TRICARE fee increases and any new TRICARE fees that are levied. There is no retired pay from which to draw an increase in fees.

We are concerned not only about the increase in TRICARE fees, but also about increased costs of pharmaceutical supplies, elimination of approved tests, and access to health care being considered by the Department of Defense

### **Education Benefits**

The cost of a college education has increased substantially in recent years. The price of tuition, books, fees and living expenses is significantly more than in past years.

Chapter 35 education benefits need to be more closely aligned with the benefits provided for in the New GI Bill and Fry Scholarships for pre 9/11 beneficiaries.

The Chapter 35 education benefit of approximately \$987 per month for a full-time college student does not come close to covering the cost of tuition, books, fees and living expenses. Surviving children using Chapter 35 benefits to attend college receive no living allowance and no DIC.

Most Federal education programs have had recent increases and changes, but Chapter 35 education benefits have been increased only by COLAs.

Colleges often demand payment of tuition 2 or 3 months before classes actually start and the student does not receive payment of Chapter 35 benefits until 30 or 45 days after the classes start – a period of 3 to 4 months. All tuition payments not paid directly to the college by the VA should be deferred until the student receives payment of the education benefit from the VA. For students using Chapter 35 benefits to attend college, payment of tuition should be deferred nation-wide until benefits are received. Such lapses in payments require students take out long term Federal Loans to meet short term needs, in addition to tuition not covered.

Recent proposed legislation (H.R. 357 and S.257) requires states to provide in-state tuition rates for **veterans** using Federal education benefits. To ensure that Federal education dollars are spent most effectively and efficiently, surviving spouses and dependents using Chapter 35 education benefits should be included in legislation to require that states provide in-state tuition rates.

Such protections afforded one provision should be applied to all provisions of the VA Education program to secure the interests of the ALL beneficiaries based on military conditions such as disability and death.



We applaud the expansion of the Fry scholarship under Senator Sander's S 1982 and hope it will become law.

The additional costs involved in a college education beyond the \$987 monthly allotment must be paid either by the remaining parent or through student loans. It is very difficult for one parent of surviving children to provide the funds for a college education that would have been provided by two parents.

Some states offer a tuition waiver to military and veterans' survivors, but not all states do. Additionally, many of these tuition waivers only apply to a specific group of survivors such as the survivors of combat deaths and exclude the survivors of those who *died* on active duty or died of a service-connected cause.

### **Social Security Consumer Price Index**

There has been much in the news lately about changing the Consumer Price Index (CPI) used to calculate inflation and the cost of living increase (COLA) for Social Security payments from a CPI-W to Chained CPI.

Changing from the CPI-W to Chained CPI would lower the rate of COLAs. Over time the Chained CPI would lower the amount of COLA for Social Security substantially and DIC

COLAs on all benefits received by surviving spouses and children would also be calculated using the lower Chained CPI and over time create a substantial reduction in the benefits surviving spouses receive.

### **VA Office of Survivors and Veterans Administration**

In 2009 Congress approved the VA Office of Survivor Assistance. GSW is very grateful for this office and for the advocacy and the excellent service Debra Walker and Scott Bell provide to survivors. It is important to us to see survivors included in the recent Veterans Administration strategic plan

**It is often difficult for new survivors to find grief counseling and grief support groups.** Grief counseling and grief support groups could be offered at very low or no

cost by VA medical centers and clinics, by the VA Chaplains Service, or by VA Social Services. Contact information about grief counseling and support groups could be posted on the medical facility website so that survivors could easily find the necessary information.

**Training and appropriate reference material on survivor issues** needs to be provided to VA employees and the call center contractors who answer phone calls. A number of our members have called for information on survivor benefits and encountered someone who knew nothing about survivor benefits and apparently had no reference material to which to refer.

### **Prohibit Desecration of the U.S. Flag**

Gold Star Wives of America urges passage of H. J. Res. 19, proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States. For the past 20 years, Gold Star Wives of America has participated in hearings before the House Committee on the Judiciary, Subcommittee on the Constitution because of our heartfelt belief in the American flag. We urge the passage of H.J. Res. 19.

### **Conclusion**

Survivors depend on support provided by our government...the monthly check (s), health care, commissaries, mental health and grief support. Each of these provides care for the survivor and the children. When these are threatened by government cutbacks, they impact us in ways our servicemember did not foresee when they served their country. Gold Star Wives of America speaks to you today to help create an understanding of the importance of these benefits.

## **Biography**

**Jamie Tomek** became the widow of First Lieutenant Glen D. Tomek, when he was killed in action April of 1969 in Vietnam. She has worked with volunteers for more than 35 years. Twenty-five of those years were as a 4-H staff person in Missouri and 10 were as an executive director of a small arts council in rural Missouri. She has been a member of Gold Star Wives since her husband's death and is proud to represent Gold Star Wives here today,

DISCLOSURE STATEMENT Neither Ms. Tomek nor the Gold Star Wives of America, Inc. have received any Federal grant or contract, relevant to the subject matter of this testimony, during the current or previous two fiscal years.